IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORIGINAL SIDE

APPEAL NO.684 OF 2005
IN
COMPANY APPLICATION NO.602 OF 2005
IN
COMPANY PETITION NO.352 OF 1996

1. M/s.Woodlands Garden Cafe & ors. Appellants
vs.
1. Rekha Kirit Gosher & ors. Respondents

Ms.Laxmi Murale for the appellants

Mr.Shyam Divan, senior counsel with Mr.Darshan R. Mehta i/b.M/s.Dhruve Liladhar & Co. for the respondent no.1.

Mrs.K.V.Gautam, Deputy Official Liquidator present.

CORAM : R.M. LODHA &
D.G. KARNIK, JJ.

DATED : 14th November 2005

P.C.

We heard Mrs.Laxmi Murale, the learned counsel for the appellants and Mr.Shyam Divan, the learned senior counsel for the respondent no.1 and perused the impugned order.

2. Having seen the consent terms, we are of the view that the impugned order does not call for any interference. The rights and obligations of the parties are governed by the consent terms and all the parties are bound by it. The order passed by the learned Single Judge in allowing the application in terms of prayer

clause (b) is in the nature of interim arrangement only.

3. The Deputy Official Liquidator is present in the Court. She submits that within two weeks from today the valuation report of the property would be obtained from the approved Valuer. We expect the approved valuer to expedite the valuation and submit the report to the Official Liquidator within two weeks from today. The Official Liquidator shall ensure that the auction process is completed as early as possible and preferably within six weeks from the date of the receipt of the valuation report from the approved Valuer.

4. We are informed by the learned senior counsel for the respondent no.1 that the appellants have not paid the amount of Rs.50,000/- per month from the month of August 2005 though they were required to do so in the light of the Order dated 30th June 2005 and the Consent Terms. This aspect is disputed by the learned counsel for the appellants. In the circumstances we direct the Official Liquidator to enquire into this aspect whether from the month of August 2005, the appellants have paid Rs.50,000/- per month to the respondent no.1 or not. The enquiry shall be completed within 15 days from today. If the amount is found to have not been paid by the appellants to respondent no.1 from the month of August 2005, the due amount shall be deposited by the

appellants with the Official Liquidator within two weeks therefrom. It will be open to the respondent no.1 to withdraw the said amount from Official Liquidator.

5. With the aforesaid observations, the appeal is dismissed in limine.

(R.M.LODHA, J.)

(D. G. KARNIK, J.)